

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *JE* D.C.

05 DEC -6 AM 10:48

FLEET BUSINESS CREDIT, LLC,

Plaintiff,

v.

No. 05-2677 MI/P

SPRINGFIELD AUTO OUTLET, INC.

Defendant.

THOMAS M. COULD  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE

~~PROPOSED~~ RULE 16(b) SCHEDULING ORDER

Pursuant to Rule 26 (f), the parties held a planning conference on November 11, 2005.

Present for the conference were:

Scott A. Frick, counsel for Plaintiff;

Clinton J. Simpson, counsel for Defendant.

Pursuant to Rule 26(f), the parties reported that initial disclosure as required by Rule 26(a)(1) will be made by the parties on or before December 22, 2005.

Pursuant to and in accordance with Rule 26(f) proposed discovery plan submitted by the parties, as amended, the following dates were established as the final dates for:

A. JOINING PARTIES:

For Plaintiff: February 8, 2006

For Defendant: March 8, 2006

B. AMENDING PLEADINGS:

For Plaintiff: February 8, 2006

For Defendant: March 8, 2006

C. INITIAL MOTIONS TO DISMISS: March 10, 2006

D. COMPLETING ALL DISCOVERY: August 11, 2006

1. DOCUMENT PRODUCTION: July 28, 2006
2. INTERROGATORIES AND REQUESTS FOR ADMISSIONS: July 28, 2006
3. DEPOSITIONS: August 11, 2006
4. EXPERT DISCLOSURE (Rule 26):
  - (i) DISCLOSURE OF PLAINTIFFS' RULE 26 EXPERT INFORMATION: June 9, 2006
  - (ii) DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION: July 10, 2006

~~E. WITNESSES AND EXHIBITS UNDER RULE 26(a)(3):~~ *tmp*

- ~~(i) PLAINTIFFS' FINAL LISTS OF WITNESSES AND EXHIBITS UNDER RULE 26(a)(3) DUE: 45 days before trial~~ *tmp*
- ~~(ii) DEFENDANT'S FINAL LISTS OF WITNESSES AND EXHIBITS UNDER RULE 26(a)(3) DUE: 30 days before trial~~ *tmp*

~~F. PARTIES HAVE 30 DAYS AFTER SERVICE OF FINAL LISTS OF WITNESSES AND EXHIBITS TO LIST OBJECTIONS UNDER RULE 26(a)(3).~~ *tmp*

G. FILING DISPOSITIVE MOTIONS: *September 11, 2006* ~~3 months before trial~~ *tmp*

**Other Relevant Matters:**

All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the

time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is not currently set for jury trial. Counsel for the parties anticipate that two (2) to three (3) days will be needed to try this case.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

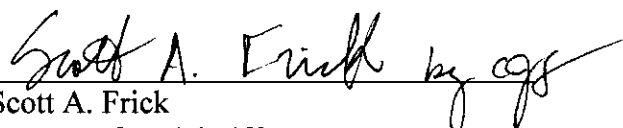
The parties do not consent to trial before the magistrate judge.

The parties will enter into private mediation within one (1) month after the close of discovery.

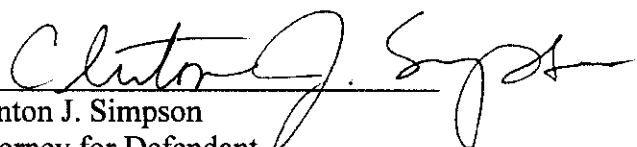
This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

Stipulated by the parties this 5<sup>th</sup> day of December, 2005.

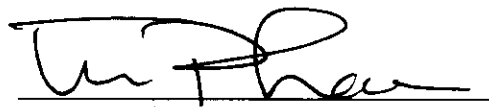
Plaintiff Counsel:

  
Scott A. Frick  
Attorney for Plaintiff

Defense Counsel:

  
Clinton J. Simpson  
Attorney for Defendant

Adopted by the Court this 6 day of December, 2005.

  
U. S. Magistrate Judge



## Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 2:05-CV-02677 was distributed by fax, mail, or direct printing on December 6, 2005 to the parties listed.

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Honorable Jon McCalla  
US DISTRICT COURT